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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,627	03/06/2002	Bas Ording	P2349-506	4921
Philip W. Marsh BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404				
EXAMINER				
TRAN, MYLINH T				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/090,627

**Applicant(s)**

ORDING, BAS

**Examiner**

MYLINH TRAN

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 6, 7, 9-14, 16-25 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-7, 9-14, 16-25 and 27-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/26/07 has been entered.

Claims 1, 4, 6-7, 14, 16-17, 23-25 have been amended. Claims 27-36 have been added. However, the limitations of the amended and new claim have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1, 4, 6, 7, 9-14, 16-25 and 27-36 are rejected under the new ground of rejection as set forth below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, 7, 9-14, 16-25 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiura et al. [US. 6,628,310] in view of Jobs et al. [US. 6,957,395].

**As to claims 1, 14 and 23,** Hiura et al. teach computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between two or more graphical user interface comprising the steps/means a first element associated with a first application running on a computer (figure 11, window 211) and a second GUI element associated with a second application running on the computer (figure 11, window 212), the first application being displayed on a computer display in a first window and the second application in a second window (column 1, line 60 through column 2, line 37).

Hiura et al. teach detecting when the first application is active, user selection the object on the first window to initiate an operation of turning over to which the first window is to be turned over so as to unveil a second window that is laid under the first window, whereby enabling to peed a content of the second window (column 2, lines 1-15); replacing the first GUI element associated with the first application that is displayed on the computer display with the second GUI element associated with the second application (column 2, lines 30-37); and in response to detecting the user selection of the first window, providing visual notification of the replacement of the first GUI element with the second GUI element by rendering animation graphics to animate a transition between the display of the first and second GUI elements (column 3, lines 36-44 and column 4, lines 37-50).

Although Hiura et al. teach detecting when the first application is active, user selection the object on the first window to initiate an operation of turning over to which the first window is to be turned over so as to unveil a second window that is laid under the first window, whereby enabling to peed a content of the second window, Hiura fails to clearly teach the step of detecting when the first application is active, user selection of the second window to make the second application active. However, Jobs et al. teach the limitation at column 1, line 60 through column 2, line 12. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs with Hiura's system. Motivation of the combination would have been to obtain a desired window among a plurality of overlapped windows.

**As to claims 4 and 16**, while Hiura et al. teach detecting a change comprising detecting a mouse click event (column 2, lines 1-11); Job et al. teach the user selection comprising the user clicking on the second window (column 1, line 60 through column 2, line 12). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs with Hiura's system. Motivation of the combination would have been to obtain a desired window among a plurality of overlapped windows.

**As to claims 6-7 and 17**, Jobs et al. also show when the first application being active and the second application is closed, the opening of the second to make the second application active or when the first application is active and the

second application is open, the quitting of the first application to make the second application active (column 4, lines 22-58).

**As to claims 9 and 18**, Hiura et al. show providing visual notification being configured to render rotation animation graphics (column 3, lines 30-67).

**As to claims 10 and 19**, Hiura et al. show providing visual notification being configured to render scrolling animation graphics (column 4, lines 38-50).

**As to claims 11-13 and 20-22**, it would have been inherent that Hiura et al. show animation graphics comprising three-dimensional animation graphics, the three-dimensional animation graphics comprising animation graphics utilizing gray scales and the three-dimensional animation graphics utilize gray scale to virtual lighting effect because Hiura teaches the animated transition between two windows in a three dimensional structure (column 1, lines 60-67).

**As to claims 24-25 and 27**, Jobs et al. teach the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprising a second menu bar having a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprising retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar (figures 6-7).

**As to claims 28, 31 and 34**, Hiura et al. teach detecting a change between active applications running on a computer from a first application to a second application, the first application being displayed in a first window on the

computer's operating system GUI (figure 11, window 211) and the second application being displayed in a second window on the computer's operating system GUI (figure 11, window 212); and in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between the display of the first and second menu bars (column 3, lines 36-44 and column 4, lines 37-50).

Hiura et al. fail to clearly teach the step of replacing a menu bar being displayed in a menu bar space on the computer's operating system GUI from a first menu bar associated with the first application to a second menu bar associated with the second application; However, Jobs et al. teach the feature at figures 6-7. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Jobs with Hiura's system. Motivation of the combination would have been to distinguish two menu options.

**As to claims 29, 32 and 35,** Jobs et al. teach the first menu bar includes a plurality of options pertaining to functions associated with the first application and the second menu bar includes a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprising retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar in the menu bar space (figures 6-7).

**As to claims 30, 33 and 36**, Jobs et al. teach the menu bar space being separate from each of the first and second windows (figures 6-7).

### **Response to Arguments**

Applicant's arguments with respect to claims 1, 4, 6, 7, 9-14, 16-25 and 27-36 have been considered but are moot in view of the new ground of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit: 2179

Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179